

United States District Court

for

District of Guam

Report for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender: James Rumbaua Damaso **Case Number:** CR-06-00005-001

Name of Sentencing Judicial Officer: The Honorable James Ware, Designated Judge

Date of Original Sentence: July 24, 2006

Original Offense: Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Original Sentence: Twenty months imprisonment to be followed by three years supervised release with conditions: not possess a firearm, ammunition, destructive device, or any other dangerous weapon; cooperate in the collection of DNA; not unlawfully possess a controlled substance, refrain from any unlawful use of a controlled substance and submit up to eight drug tests a month; refrain from the use of any and all alcoholic beverages; participate in a substance abuse program to include testing and making a co-payment; and perform 400 hours of community service.

Modification on March 26, 2008: Community service deleted and fine of \$1,965.60 imposed.

Type of Supervision: Supervised Release Date Supervision Commenced: June 20, 2007

PETITIONING THE COURT

To extend the term of supervision for _____ years, for a total term of _____ years.

X To modify the conditions of supervision as follows:

To amend the fine balance to \$1,872.00 due to the completion of 16 additional hours of community service that was not factored into the previous fine calculation.

CAUSE

On March 7, 2008, the Probation Officer requested that the Court modify Mr. James R. Damaso's conditions of supervised release for him to pay a fine in lieu of performing the remaining 336 hours of community service. While pending approval of the modification, on March 21, 2008, the Probation Officer received the Agency Reply Card from the National Park Service confirming that Mr. Damaso had performed 16 hours of community service. On March 26, 2008, the modification was approved by U.S. Chief Judge Frances Tydingco-Gatewood. According to the Clerks Office, as of June 18, 2008, Mr. Damaso has paid \$500.00 toward his fine.

Based on the prevailing federal minimum wage of \$5.85 multiplied by 320 hours of community service, the Probation Officer respectfully requests that the fine amount be reduced accordingly. Therefore, the correct fine is \$1,872.00.

Attached is Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with Mr. Damaso's consent to the modification.

Reviewed by:



/s/ CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader

Date: July 18, 2008

Respectfully submitted,



/s/ MARIA C. CRUZ
U.S. Probation Officer

Date: July 18, 2008

THE COURT ORDERS

- No Action
- The Extension of Supervision as Noted Above.
- The Modification of Conditions as Noted Above.
- Other



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Jul 28, 2008